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The Honorable Rosanna Malouf Peterson

Attorneys for Plaintiffs

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WildEarth Guardians
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Attorney for Plaintiff WildEarth Guardians

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONSERVATION NORTHWEST and)
WILDEARTH GUARDIANS,) No. 2:20-cv-00450-RMP
)
Plaintiffs,)
)
v.) [PROPOSED] STIPULATED
U.S. FOREST SERVICE and RODNEY) ORDER ON COSTS AND FEES
SMOLDON, Forest Supervisor, Colville)
National Forest,)
Defendants.)

**[PROPOSED] STIPULATED
ORDER ON COSTS AND FEES – 1**

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1 Plaintiffs Conservation Northwest and WildEarth Guardians (“Plaintiffs”)
2 and Defendants the United States Forest Service and Rodney Smoldon, Forest Su-
3 pervisor of the Colville National Forest (“Defendants”) (collectively “the Parties”),
4 by and through their respective counsel, hereby stipulate and agree as follows:
5

6 1. The parties hereby agree to settle and resolve Plaintiffs’ claims for
7 costs and attorneys’ fees under the terms and conditions set forth herein.
8

9 2. Defendants shall pay Plaintiffs Ninety Thousand Dollars and Zero
10 Cents (\$90,000.00) in attorneys’ fees and costs in this matter.
11

12 3. Defendants shall make the payment required by Paragraph two of this
13 Stipulated Order by an electronic funds transfer drawn on an account of the United
14 States and made payable to Kampmeier & Knutsen, PLLC, 811 First Avenue, Suite
15 468, Seattle, Washington 98104. Within ten (10) days of entry of this Stipulated
16 Order as an order of the Court, Plaintiffs shall submit to Defendants the account
17 number, routing number, and any other information needed to facilitate payment
18 by electronic funds transfer. Within ten (10) days of Plaintiffs providing that infor-
19 mation, Defendants shall submit to the U.S. Treasury the information required to
20 effectuate the payment required by Paragraph two of this Stipulated Order. If the
21 payment required by Paragraph two of this Order is not made within forty-five (45)
22 days of Plaintiffs providing the account information referenced above following
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29 [PROPOSED] STIPULATED
ORDER ON COSTS AND FEES – 2

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1 entry of this Stipulated Order as an order of the Court, Plaintiffs may seek enforcement
2 of this Order and the Court may in addition impose a deadline for Defendants
3 to make the payment.¹
4

5 4. Upon entry as an order of the Court, this agreement shall fully and
6 completely resolve and satisfy all of Plaintiffs' claims for costs and attorneys' fees
7 arising from the allegations set forth in the complaint filed in this action.
8

9 5. This Stipulated Order shall not constitute an admission of error or
10 fault on the part of the United States, its agents, servants, or employees, and is entered
11 into by the parties for the sole purpose of compromising disputed claims and
12 avoiding the expenses and risks of further litigation.
13

14 6. This Stipulated Order shall be binding upon and inure to the benefit of
15 the parties hereto and their respective successors and assigns.
16

17 7. Except as necessary to enforce this agreement, the parties agree they
18 will not use this Stipulated Order as evidence in any pending or future civil or ad-
19 ministrative action against the United States, or any agency or instrumentality of
20 the United States.
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25 ¹ Settlement payments are typically issued within 30-45 days. However, the Parties
26 acknowledge that neither the Department of Justice nor the Department of Agriculture
27 has control over the precise timing of the payments, which are issued by the
28 Department of the Treasury.
29

1 8. This Stipulated Order shall become effective upon entry as an Order
2 of the Court.

3 10. The Court retains jurisdiction to enforce the terms of this agreement.
4
5 In the exercise of its discretion, the Court may award Plaintiffs costs and reasonable
6
7 attorneys' fees incurred in enforcing this Agreement.

8 IT IS SO STIPULATED and RESPECTFULLY SUBMITTED this 10th day
9 of August 2021.

10 **For Plaintiffs WildEarth Guardians and Conservation Northwest:**

11 KAMPMEIER & KNUTSEN PLLC
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19 *Attorneys for Plaintiffs*

20 **For Plaintiff WildEarth Guardians:**

21 WILDEARTH GUARDIANS
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27 Email: mfox@wildearthguardians.org

28 *Attorney for Plaintiff WildEarth Guardians*

29 **[PROPOSED] STIPULATED
ORDER ON COSTS AND FEES – 4**

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2 **For Defendants the U.S. Forest Service and Rodney Smoldon:**

3 Joseph H. Harrington
4 Acting United States Attorney, E.D. Washington

5 By: s/ John T. Drake
6 John T. Drake, AUSA
7 Derek T. Taylor, AUSA

8 *Attorneys for Defendants*

9 IT IS SO ORDERED.

10 DATED this _____ day of _____ 2021.

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14 The Honorable Rosanna Malouf Peterson
15 United States District Judge
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29 **[PROPOSED] STIPULATED
ORDER ON COSTS AND FEES – 5**

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